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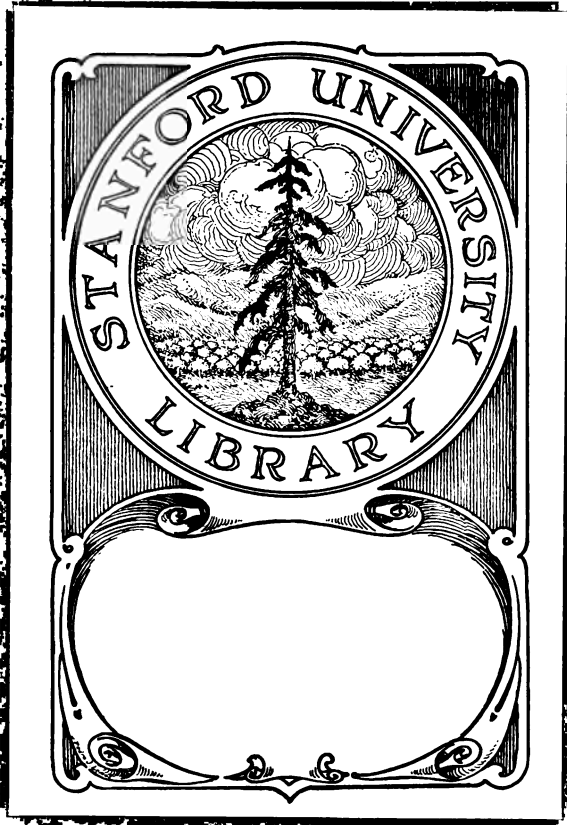
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Harvard university.

A copy of the laws of Harvard
college, 1655.

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H33a



A
COPY OF THE LAWS
OF
HARVARD COLLEGE,
1655.

With an Introduction

By SAMUEL A. GREEN, M.D.

A

COPY OF THE LAWS

OF

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Stanford Library

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A COPY OF THE LAWS
OF
HARVARD COLLEGE, 1655.

THE following copy of the laws of Harvard College, in 1655, appears to have been given to the library in the year 1799. It has recently been found among the papers of a deceased member of the Society, and been returned by one of his family. According to the memorandum written on the cover, this copy was "presented to the Histor' Society, 1799, by John Pinchon, of Salem"; and this is the only record in regard to the manuscript. It comprises fourteen pages of closely written paper, of duodecimo size, the last two pages being in a different handwriting and on different paper. The first twelve pages seem to have been more used, and are considerably torn and worn about the edges. These have been placed in a double paper cover, of which one leaf at the back contains the two pages in the different hand. At the end is written "Admittatur Jonathan Mitchellus in collegiũ Harvardinũ 22. 8. 1683. Jn^r Rogers. P^rses. Samuel Andrew" [Socius]. From this it would appear that it was given to Jonathan Mitchell, a graduate of 1687, on his admission as a Freshman. It was the custom then, as it is now, for each student, on entering college, to have a copy of the laws, though now it is given to him in print. At that time, he was obliged to procure it himself; and, as paper was scarce, it is likely that the body of the pamphlet was sometimes handed down from one generation of students to another, and constituted a kind of *transmittendum*. Under such circumstances, it was natural that there should be verbal variations in the laws, as they were sometimes written by different hands. As the students graduated, their copies were frequently put in new covers, and, with the addition of the last two pages including the "Admittatur," &c., taken by the Freshmen.

The figures in the brackets show where the pages in the manuscript begin.

In the "Old Colony Memorial" (Plymouth, Massachusetts) for June 3, 1875, a similar code of college laws is published, which was also in force in 1655. It varies considerably in language from the one in the possession of the Society, though there is no great difference between them in the general tenor.

The lawes of Harvard Colledge agreed upon by the Overseers, President, and fellowes. Many of them in former yeares at severall times, and the rest more lately, but all of them, (as they hereafter follow) received ratified, and concluded upon at a meeteing of the overseers, President and fellowes of the said Colledge on the 30 day of the second month. 1655.

First concerneing admission and manners of students, as also toucheing their expences In the Colledge.

1. When any Scholler is able to read and understand Tully, Virgill or any such ordinary classically authors, and can readily make, speake, or write true latine in prose, and hath skill in makeing verse, and is competently grounden in the greek language, so as to be able to construe and grammatically to resolve ordinary greek, as the greeke testament, Isocrates, and the Minor Poets or such like, haveing withall meet testimony of his towardness, he shall be capable of his admission Into Colledge, and every Scholler shall procure for himselfe a true copy of the lawes, which being signed with the Presidents and one of the Fellows hands shall be a testimony of his admission into colledge, and also of the time thereof which he shall keepe with himselfe for his better guidance, whilst he shall continue a member of the colledge. Every one shall consider the maine of his life

which is to know God and Jesus Christ [2] [and] answerably to lead an honest sober godly life.

3. Every one shall so exercise himselfe in reading the scriptures twice every day, that he shall be ready to give an account of his proficiency therein, both in theoretticall observations of Language and logick, and in practicall and spirituall truths, as his tutor shall require according to their severall standings respectively, seeing the entrance of the word gives light. Psalmes 119, 130.

4. All Students shall eschew the profanation of gods name, attributes, word, or ordinances and times of worship, and in the publick assemblies they shall carefully eschew what soever may shew any contempt or neglect thereof: and be ready to give an account to their tutors, of their profiteing, and to use such helps of storeing themselves with knowledge as their Tutors shall direct.

5. They shall honour as their naturall Parents, so also magistrates, elders, The President, Tutors, fellowes and all superiors, keepeng due silence in their presence, and not disorderly gainesaying them, but

sheweing all those laudable expressions of honour and reverence that are in use, as uncovering the head and the like.

6. All Students shall be slow to speake and eschew and in as much as in them lies, shall take care, that others may avoid all sweareing, lieing, curseing, needless asseverations, foolish talkeing, scurrility, babbling, filthy speakeing, chideing, strife, raileing, reproacheing, abusive jesting, uncomely noise, uncertaine rumors, divulging secrets, and all manner of troublesome and offensive gestures, as being the [torn] should shine before others in exemplary life. [3]

7. No scholler shall goe out of his chamber without coate, gowne, cloake, and every one every where shall weare modest and sober habit, without strange ruffian like or new fangled fashions, without all lavish dress, or excess of apparel what soever: nor shall any weare gold and silver or such ornaments, except to whome upon just ground the President shall permit the same, neither shall it be lawfull for any to weare long haire, locks, or foretops, nor to use curling, criseing, parteing or powdering theire haire.

8. No undergraduate upon any pretence of recreation or any other cause whatsoever, (unless allowed by the President or his Tutor) shall be absent from his studies or appointed exercises in the Colledge, except halfe an houre at breakefast, an houre and halfe at dinner, and after evening prayer untill nine of the clock: but while he is in the Colledge he shall studiously redeeme his time, both observing the houres common to all the Students to meet in the hall, and those that are appointed to theire own lectures, where unto he shall diligently attend, being inoffensive in word and gesture.

9. No Student shall goe into any Taverne, vittaileing house, or Inne to eate or drink, unless he be called by his parents, Guardians, or without some sufficient reason such as the President or his Tutor may approve of: neither shall any one entertaine any stranger to lodge or abide in the Colledge, unless by the leave of the President or his Tutor, or in case of theire absence of one of the fellows: neither shall he without sufficient reason such as the President or his Tutor shall approve, either take Tobacco or bring or permit to be brought into his chamber strong beare, wine, or strong water or any other enebriateing drink, to the end that all excess and abuse thereof may be prevented.

10. No Student shall under any pretence whatever use the company or familiar acquaintance of persons of ungirt and dissolute life, [4] intermeddle with other mens buisness, nor Intrude himselfe into chambers, neither may any undergraduate goe out of the town, nor be present at any Courts, Elections, Faïres, Traineings, or any such like assemblies, except upon leave obtained of the President or his Tutor, or two of his fellows in theire absence.

11. No Student shall board or lie out of the Colledge, without just cause allowed by the President, nor shall any stay out of the Colledge after nine of the clock at night, nor watch after eleven, nor have a light before four in the morning, except upon extraordinary occasions.

12. Every undergraduate shall be called onely by his sur name unless he be the son of a nobleman, or a knights eldest son, or a fellow commoner.

13. Every fellow commoner shall bring a peice of Silver plate to the Colledge to the value (at the least) of three pounds with his name engraven thereupon, which he may have the use of while he shall abide in the Colledge, and shall leave it to the propriety of the Colledge when he departs from it.

14. Every Student that is an undergraduate shall be bound to continue in the Colledge, excepting upon weighty occasions made known to the President and his Tutor and with their consent and notwithstanding his discontinuance shall pay halfe the Tuition.

15. Every discontinuer shall beare a share in Colledge detriments ; viz.

16. He shall pay after five shillings a quarter for the removall of those many distractions and great burdens of labour, care and cost that heretofore have pressed the steward, and the great debts that hitherto sundry have run into, and unsutable pay, whereby the house hath been disappointed of sutable provision, occasioning inoffensive complaints. It is therefore provided.

1. That before the admission of any Scholler, his Parents or freinds shall both lay down one quarters expences, and also give the colledge Steward security for the future, [5] and without this Ingagement no Scholler shall be admitted into the Colledge.

2. That all such payments shall be discharged to the Steward of the Colledge either in the currant coine of the country, or wheat or malt, or in such provision as shall satisfie the steward for the time being, and supply the necessitie of the Colledge.

3. That who soever is Indebted to the Colledge at the end of any Quarter (besides his being liable to the course of the law for the recovering the debt) he shall have his stewards bill given in, and in case the bill be not paid within a moneth he not being suffered to run any farther into debt by expences, untill his whole debt be discharged.

4. The Students that now have studies in the Colledge shall pay for them the accustomed rent, but all that are hereafter admitted shall pay rent to the Colledge quarterly for their chambers, and studies as they shall be valued by the President and fellows. likewise where as certaine summs of money have been set upon the students heads for the building of the gallery in the meeting house (for which the Colledge is Indebted) It is provided that each student that shall be admitted hereafter shall pay 3 shillings four pence for the use of the said gallery at their admission which they shall be charged withall without any repaiment.

8. [*sic*] It is also ordered that for the charges of his commencement each commoner shall pay three pounds.

2ly: Lawes about holy duties Scholasticall exercises and helps of learneing.

1. Seeing God is the giver of all wisdom, all and every Scholler besides private prayers (where in every one is bound to ask wisdom) shall be present morneing and evening at [6] publick prayers at the

accustomed houres; viz: ordinarily at six of the clock in the morneing, from the tenth of March at Sun rising and at five of the clock at night all the yeare long.

2. It is appointed that part of the holy Scripture be read at morneing and evening prayer, to wit, some part of the old testament at morneing and some part of the new at evening prayer on this manner: Thatt all Students shall read the old Testament in some portion of it out of Hebrew into greek, and all shall turne the new Testament out of English into greeke, after which one of the Bachelors or Sophisters shall in his course Logically analyse that which is read, by which meanes both theire skill in logick, and the Scriptures originall language may be Increased.

3. All undergraduates shall publickly repeat sermons in the Hall in theire courses, as also Bachelors untill they have commonplaced that so with reverence and love they may retaine god and his truths in theire minds. Also the Students shall be commonly examined in the last day of the week at evening prayer, and give an account of theire profitting by the sermons the week past.

4. A scholler shall not use the English tongue in the Colledge with others schollers, unless he be called thereunto in publick exercise of oratory or the like.

5. In the first yeare after admission for foure dayes of the week all Students shall be exercised in the Studies of the greek and Hebrew tongues, onely beginning logick in the morneing towards the latter end of the yeare: unless the Tutor shall see cause by reason of theire ripeness in the languages to read logick sooner. Also they shall spend the second yeare in Logick with the exercise of the former Languages and the third yeare in the principles of Ethicks, and the fourth in [7] metaphisicks and mathematics, still carrying on theire former studies of the week for Rethorick, oratory and Divinity.

6. It is appointed that in the teacheing of all arts such authors be read as doe best agree with the Scripture truths, wherein the speciall care of the President and fellows shall be used and theire direction therein attended.

7. All Students in the Colledge shall observe theire course in disputation: Bachelors once a fortnight, and the undergraduates such as have read logick, twice a week, excepting two moneths for the commencers before and a fortnight after the commencement for all the Students. Likewise all undergraduates shall declaime once in two moneths the number of declaimers being so divided that in the space of two moneths all may constantly declaime, excepting onely the times afore mentioned.

8. There shall be a Common place handled in Divinity once a fortnight, the President beginning and the Masters of Art and senior Bachelors following according to theire seniority: wherein the President and fellows take care that heretick opinions and doctrines may be avoided and refuted, and such as are according to the analogie of faith be held forth and confirmed.

9. To the Intent that the progress of learning amongst the Schollers

of the Colledge be yearly made known unto and Incouraged by meet Judges : All Questionests shall sit in the Colledge Hall on the second and third days of the third weeks next followeing the summer Solstice from nine of the clock till eleven in the foornoon and from one till three in the afternoon to be examined by any according to the law hereafter provided for such as are to commence Bachelors : also in case of eminent defect or notorious Insufficiency in any student by experience found or known by the President and fellows they signifieing this to six [8] or seven of the overseers with theire consent the deserveing may be preferred according to theire merit, and the Insufficient placed with such as better further theire progress in learning.

10. Every Scholler that upon prooffe is able to read extempore the pentateuch of [or ?] the new testament into latine out of the originall tongues, and be skilled in logick, and competently principled in naturall and morall philosophie and the mathematicks, and also of honest life and conversation, and at any publick act hath the publick approbation of the overseers, and president of the Colledge, he may be Invested with the first degree : but ordinarily besides such approbation none shall expect it, untill they have been four whole yeares in the Colledge, or three yeares and 10 moneths at the least, being blameless and attending upon and performeing in theire courses all publick exercises or otherwise If they be discontinuers approved as before, and in matters of learning and manners qualified as continuers.

11. What Bachelors soever shall present unto the President a written Synopsis or Compendium of logick, naturall philosophy morall philosophie, Arethmatick, Geometry, or Astronomy within a week of the summer Solstice in his third yeare after his first degree, which Synopsis shall be kept in the Colledge Library and shall be read to defend his propositions, and be skilfull in the originall tongues as afore said, haveing stayed three yeares after his first degree, and therein thrice problemed, twice declaimed, and once made a commonplace, or else some answerable exercises to the studies that he is most conversant in, and remaineing of a blameless conversation, and the President of the Colledge, shall be capable of his second degree, viz ; to be master of Arts. [9]

Thirdly concerning penall lawes.

1. There shall be appointed a generall Monitor that shall observe them that are faileing, either by absence from prayers or sermons, or come tardy to the same, which shall bring weekly a catalogue of the names of delinquents to the President which Monitor shall be allowed a stipend of three pounds per annum for this paines of his, which shall quarterly by equall division be set upon the heads of all the undergraduates whose names are in the Buttery.

2. Each Student that shall absent himselfe from prayers (there being no Just reason given to and allowed by the President for such absence) shall for the first offence, being absent more then once or comeing tardy more then twice in a week space be punished a penny a time for once absent or twice tardy.

3. If he offend again in the like kind within a fortnight, he shall be nonplusst so many daies as he hath been absent from the duties of Gods worship and comeing twice tardy to prayers, and being once absent from sermons, It shall be accounted of as twice absent from prayers.

4. If this shall not work reformation in him or them, but within a fortnight he shall so offend againe, It is appointed that for the next offence any such delinquent or delinquents shall be publickly admonished before the Students of the Colledge, and the admonition with the time thereof noted by the Butler. If this shall not work reformation in him or them, but that within another fortnight he or they shall offend again in the like manner It is appointed that every such delinquent shall make publick confession of his offence a written forme prescribed by the President which shall also be recorded by the Butler.

5. If any shall refuse to make such conf[ession] [torn] confession of his offence sha [10] [torn] profanely negligent within a moneths time, [the]n he shall be suspended from his seniority, and the priviledge thereof at meales and for a weeks time or more according to the nature of his offence.

6. If he shall continue in manifest obstinacy and contempt of authoritie, and of meanes of reformation, then It is appointed that by the notes of all or the major part; viz: of the President and fellowes such an one shall be expelled out of Colledge, which condition, shall be attended still in all the after lawes concerning expulsion.

7. Each undergraduate that shall neglect to read sermons in his course shall be nonplusst two dayes and lose his commons one meale for such neglect, and the dutie shall still lie upon him, and his continued neglect thereof shall be punished according to the gradation of penalties in the former lawes.

8. Also in case any student shall be negligent to repaire to lectures in the Colledge with the rest of his classis: It is appointed such negligent persons. be carefully observed by their tutors, who shall send for any such students and admonish them before the rest of his classis.

9. For the second offence his Tutor shall complaine to the President who shall publickly admonish him. & after such admonition and no reformation there upon, the President shall appoint him a publicke confession (as before) of his offence.

After this If it manifestly appeare, he reforme not thereby the Pluralitie of the notes of the President and fellowes (due patience being used) he shall be expelled out of the Colledge.

Every student that shall neglect the performing of any Scholasticall exercise in his course, shall [for] the first offence by the President or his Tutor [be] appointed to make Double exercise, or some scholasticall exercise, [besi]des the performance of that which was omitted.

[If he sh]all still refuse the exercise, then he shall [be suspende]d from his seniority as above; and If he were the lowest of his classis before for his [11] learnings sake he shall performe exercises with the rest of his classis, but be put below some of the n[ext] classis in sitting.

3. If he continue negligent, then such neglect shall be punished with the loss of seniority in his classis such as he had before.

4. If the former course prevaile not to work more paines and diligence in the party, It is further appointed that such wilfull neglect shall be punished with degradation from his classis, and the loss of a yeares time.

5. If thereupon no reformation should follow, then after a moneths patience by the pluralitie of notes of the President and fellows such a shameles non perficient shall be expelled out of the Colledge.

6. If any undergraduate shall depart out of the Hall at dinner or supper before thanks be given without just cause, or the leave of the senior fellow that shall be present in the Hall, he shall lose his commons so many meales, as he shall so offend: also they that needlesly frequent the Kitchen shall be non plusht by the President.

7. If any Scholler shall abide out of the Colledge or be absent from his studies beyond the times before allowed, either spending his time in any house or place of the town, or goeing out of the town without the leave of the President or his Tutor, or haveing leave of the President or his Tutor, shall without cause stay longer then his appointed time; he shall for such offences be nonplusht by the President and his Tutor, and tasked to make some scholasticall exercise by the appointment of the President.

8. No undergraduate shall buy, sell, barter, or exchange books, apparrell or any thing of considerable value; but by the leave of the President or his Tutor, Guardian or Parent, or If he shall sell or pawne any thing to any scholler, the President shall make the bargain and admoni[sh] [12] [the] student noe students shall be suffered to have [a g]un in his or their chambers or studies, or keepinge for their use any where else in the town, or If they be found to have such by the President or Their Tutors, then they shall be admonished by the President or their Tutors to put it away: which If they shall refuse to doe, the President shall have power to take it quite away from them, and If they resist the President herein, they shall upon due prooffe be expelled out of the Colledge by the advise of the Colledge overseers: the same penalty is appointed to any student that shall make resistance against or offer violence unto the President or fellows.

10. If any Student shall weare long haire, or other wise offensive contrary to the former seventh law the President shall have power to reforme it, or as need shall require to make his address to any three or more of the overseers, who shall take order concerning it.

11. It is appointed that every Student that shall by good evidence be convicted of any hainous and flagitious crime, As Robbery, Burglary, Speakeing blasphemous words, notorious profanations of the lords day, ordinances or word, uncleanness or such like, shall be expelled Ipso facto, and in case that any be convicted of drunkenness, fighteing, raileing, sweareing, curseing, filthy speakeing, profaness, reveling, playeing at cards and dice, or such like, for the first offence If it be private, he shall be privately admonished by the President or his Tutor; and for the second offence If it be publick he shall be publickly admonished by the President; and for the third shall make publick [con]fession of his offence at some publick [meeting?] of the

Students, and for the fourth [offence shall be n]oted down for a prophane person. [13] having his commons sitting in the Hall uncovered, & if upon this he reform not & make not some expression of sorrow & repentance after a months triall & patience he shall be expelled out of the Colledge.

12. It is provided that in such gross offences, as attaines to the lawes aforesaid are punishable with expulsion, It shall be in the liberty of the president & fellowes to inflict corporall punishment by the rod (as a degree anteceding expulsion according to the condition of the offender, & nature of the offence.

13. Concerning the penalties abovesaid It is provided that if any of the prescribed degrees of punishmēt do work reformation, then whatsoever degrees of punishment have been passed before, shall be made void in order to any further censure.

14. It is required of every Colledg officer or Servant that he be faithfull in discharging the place, & trust committed to him, so as may tend to the welfare of the Colledge & of all the members thereof, & in case of unfaithfullness, negligence, or any other miscarriage in his place, he shall be accountable to, & punishable by the President & fellowes to the quality of y^e offēce.

All These Lawes upon publishing openly in the Colledg Hall shall be of force immediately.

At a meeting of the overseers y^e 30 day of y^e 3^d month For as much as the overseers have been certified that there hath been uncomfortable defects in the diet of the students as also in their lodging: It is ordered that the Corporation speedily inquire into the causes [14] thereof, & take order wth the Steward & Treasurer or any other Colledg Officer, whom may concern for the just redress of the same, & the Overseers do promise their best assistance for the effecting of it, wth may be needfull.

Another penall Law is exacted by the generall Court held at Boston; y^e 17 of y^e 8 month 1656 & published in the audience of the Students in y^e Colledge.

It is hereby ordered that the President & fellowes of Harvard Colledge, for the time being, or that the major part of them are impowred to punish all misdemeanours of the youth in their Society either by fine or whipping openly in the Hall as the nature of the offence requires not exceeding 10 shillings or 8 stripes for one offēce & this law to continue in force untill the Court or Overseers of the Colledge provide some other orders for

Such offences.

ADMITTATUR JONATHAN

MITCHELLUS in collegiū Harvardinū

22. 8. 1683.

JN^o ROGERS. P^rses.

SAMUEL ANDREW.

R E M A R K S
ON A COPY OF THE
OLD LAWS OF HARVARD COLLEGE,
1655.

BY SAMUEL A. GREEN.

REMARKS

ON A COPY OF THE OLD LAWS OF HARVARD
COLLEGE, AND ON SOME OTHER MATTERS
CONNECTED WITH THAT INSTITUTION.

At a meeting of the MASSACHUSETTS HISTORICAL SOCIETY, held in Boston, on Thursday, December 10, 1896, Dr. SAMUEL A. GREEN made the following remarks:—

More than twenty years ago I had occasion to call the attention of the members to a manuscript copy of the Laws of Harvard College, belonging to the Society, which were passed in the year 1655. These Laws are printed in the Proceedings (XIV. 206-215) for February, 1876. At one time that copy had belonged to Jonathan Mitchell (H. C. 1687), and presumably to other undergraduates of an earlier period. See also Proceedings (III. 133) for an allusion to the same copy. I now take the opportunity to show another similar transcript of the same Laws, apparently the official copy of the College, as it had belonged to Charles Chauncy and Leonard Hoar, who both had been presidents in succession, and whose terms of administration extended from the autumn of 1654 to the spring of 1675.

The manuscript book comprises twenty-two pages, written in a clear and handsome hand, of which fourteen are taken up with the Laws; and of the other pages two are blank, and the remainder is covered with detached entries made by different persons relating to the government of the students. It is stitched into a vellum cover, which has been

used previously as part of a manuscript index to some theological work in Latin, long antedating the period of the Laws. In the margin of this cover can be made out, somewhat indistinctly, the name of Leonard Hoar, which is apparently an autograph signature. On the inside of the book are signatures by Charles Chauncy to two entries, of which one without doubt is an autograph, and perhaps both are autographs.

The half-title, with the lines indicated by turned dashes, reads as follows:—

THE LAWES AND ORDERS OF HAR- | VARD COLLEDGE | Agreed
upon by the Overseers President | and Fellowes: Many of them in
former yeares | at Severall times: and the rest more | Lately, but all
of them (as they hereafter follow) received | ratified and Conclu- | ded
upon | At | A Meeting of the Overseers President and | Fellowes of
the Said Colledge on | the 30th of the 2^d Month | 1655

[With a bastard title thus:] The Lawes of the Colledge published |
before the Students | of Harvard Colledge | May. 4. 1655.

An extract "Out of the printed Lawes in the Title Colledge," given in the book, is interesting from the fact that it was probably taken from the missing edition of the Colonial Laws, printed in 1649, of which no copy is known now to be extant. The corresponding extract, as found in the edition of 1660, is considerably enlarged by the legislation of 1659.

Two unsigned entries in the same handwriting, found on opposite pages and made presumably at the same time, are given below. I am inclined to think that they were both written soon after the intended Charter of 1672 was granted by the General Court of Elections in October of that year.

Memorand:

Corporation nominated in y^e Charter of 50 was as follows viz:
Henry Dunster Presid^t: Sam^l Mather Sam^l Danforth Masters of Art,
Jonathan Mitchell, Comfort Star & Sam^l Eaton Bachelors of Art,
fellows: & Thô: Danforth Treasurer.

Sam^l Mather, & Sam^l Danforth were Tutors:

Memorand: Corporation Nominated in y^e Grant of 72 is as follows
viz: Leonard Hoar Presid^t: Sam^l Danforth, Urian Oakes, Tho:
Shepard, Joseph Brown, Jn^o Richardson fellows: Jn^o Richards
Treasurer.

Joseph Brown, & John Richardson were Tutors

The following regulations appear in the book, and probably are not found elsewhere in their original form, as the continuous records of the Overseers do not go back to that early period: —

Another Penall lawe enacted by the
Generall Court held at Boston
8^r 14. 1656. and published
in the audience of the Students
in the Colledge 9^r. 21. 1656.

It is heerby ordered, that the Præsident and fellowes of Harvard Colledge for the time being, or the major part of them are heereby impowred according to ther best discretion, to punish all misdemeano^{rs} of the youth in ther Society, eyther by fine, or whipping in the hall openly, as the nature of the offence shall require, not exceeding ten shillings, or ten sTripes for one offence: and this lawe to continue in force untill this Court, or the Overseers of the Coll provide some other order to punish such offences.

This is a true copy of the courts order

as attests.

EDW. RAWSON *Secrety.*

Concordat cū Originali.

Ità testor

CHARLES CHAUNCY *sec*

Laws that were reade, voted and passed by the over-seers 9th of the 2^d Month—1660 and published in the Coff: the next, being the 10th day of the 2^d Month

No student shall liue or board in the family or private house of any inhabitant in Cābridge wthout leaue from the P^rsident and his Tuto^s (as is p^rvided in the 11th and 14th law of the first head) and if any upon such leaue obtained shall so liue, yet they shall attend all Coff: Exercises both religiouse, and Scholastiall, and be under Coff: order and discipline, as others ought to doe, and be that are Resident in the Coff, and shall pay also five shillings a quarter towards Coff detrim^{ts}, besides ther Tuturage, and in case that any student shall-bee and liue in Towne, as aforesaid out of y^e Coff, Comons, more then one moneth, whither together, or at severall times wthout leaue obtained, he shall thenceforth be looked-at as no member of the Coll^g.

Also wheras the penalties imposed upon such Students, as are in Commons in the Coff: are nt Sutable in some pticulars, to awe, and deterre such as board in the Towne, as aboue said, its y^rfore heereby p^rvided, that the P^rsident or the P^rsident and Tutours may pceed wth them in the Towne in case of delinquency, by admonition and private Correction, vntill by reason of an incorrigible Spirit in the offenders:

the P^resident and Fellowes shall see cause to p^rceed to publicke Correction or Expulsion, any former or other lawe or Custome notwithstanding.

Also w^has diverse students are discontinuers for the indemnity of the Coll^y it is heereby p^rvided, that in case any such shall bee behid of payments of detriments, and halfe-tuition according to former lawes, more then one Month after the Quarter-bill is given by the Stuart to the Butler, such non-payment shall bee looked at as ther utter w^hdrawing from the Coll^y: and they shall loose all y^r time and interest, as to the claming of any degree or future priviledge in the Coll^y.; otherwise then by satisfaction of such arreages due and damages sustained and the approbation of the Corporation concerning them and notwithstanding such w^hdrawing such students shall-bee liable to pay all such arrerages and just debts due to the Coll^y:

At a meeting of y^e overseers at y^e presidents
Aug: 24. 1663.

Whereas (through long experience) former orders have not been effectuell for y^e preventing of vnnecessary damāges to ye coll^y: by y^e violence or carelesnes of those for whose accomodation great cost & charges have from time to time been expended. The overseers doe therefore order y^t henceforth all due care be taken for preventing thereof, & y^t when any damāge shall bee found done to any study or chamber inhabited, y^e person or persons resident therein shall make good y^e same, & where any damāge is done to y^e edifice of y^e coll^y: (excepting by y^e inevitable providence of god) any vacant chamber or study, y^e coll^y: fences about the yard, pumpe, bell, or clock &c: y^e same shall be made good againe by all y^e students resident in y^e coll^y: at such time when such damāge shall bee done, or dis[cov]red to bee done, & shall bee duly payd in their quar[] to y^e treasurer, or other such officer of y^e coll^y: as shall bee [ap]poynted to disburse the same. provided always if y^e person or persons y^t were y^e actor or actours, or blameable occasion of such damāge done be discovered, & doe appeare, he or they [shall] make full satisfaction for y^e same & shall also [] to further punishment by fine or otherwise [] to y^e demerit of the fact. And, whereas any student [] take vp any study, he shall pay y^e rent thereof for one whole yeare, whether he be resident therein soe long or not, & shall stand engagded to deliver y^e same in such good repayr, as he received it on his entrance.

At a meeting of y^e overseers of Harvard Coll^y:
at Boston. December. 5. 1667.

It is ordered y^t noe student be admitted into y^e coll^y: by y^e president or his tutour vntill hee bring a certificate in y^e hand of y^e

steward, y^t one quarters allowance for dues to y^e coll: be fvlly satisfied, nor shall any []tinued therein, vnles from time to time at every [] day they bring the like certificate from y^e steward y^t hee is satisfied for y^e following quarter, with y^e arrearages, if any bee for y^e quarter past, & in case either president, tutour, or any other officer shall presume soe to doe, they shall satisfy y^e da^mage thereby sustained to y^e coll:, or steward, & y^e steward may abate such person whether president or tutovr of any dues to them appertaining, soe far as shall bee in his hands to allow them, & they shall alsoe bee lyable otherwise fully to satisfy all y^e sayd da^mage.

It is ordered y^t y^e steward shall not bee enjoyned to accept, of above one quarter part flesh meat, of any person.

Whereas it is observed y^t there is great discouragement put vpon parents, by reason of severall abuses y^t are put vpon their children at their first entrance, by y^e senior students sending them vpon their private errands &c: The overseers doe commend it to y^e president & fellows, y^t for y^e future due care be taken to prevent y^e same, & y^t all abuses in y^t kind bee severely punished, by imposeing a penalty on such person or psons as shall presume soe to doe, or by corporall punishment as to y^e corporation shall seeme meet.

According to the following entry in the handwriting of President Chauncy, three young men were expelled from college in the spring of 1666, but it is probable that they afterward resumed their relations, as their names appear in the General Catalogue of the institution:—

10 (3) 1666

M****, H***** jun, and W***** jun. (according to the counsell of the Rev^d Elders) were expelled out of the Colledge, and ther names, cut out of the tables in the buttry by the order of the President in the p'sence of all the fellowes, for ther disorder and injurious cariage towards Andrew Belcher in killing, and hauing stolne ropes in hanging Goodmā Sells dogge upon the signe post in the night, wth fact was deliberately confessed by one of these delinquents, before the corporation with the reason moving thereunto: wth confession was also attested before his companions, and not denied in diverse particulars, being pressed by the Rev^d Elders about them: besides two of them afterwards corrupted, and seduced the confessor to unsay his confession: and many grosse lyes were told by all, and especially and especially [*sic*] by one of them: and ther were many circumstances, and probabilities attesting the guiltinesse of thes crimes.

CHARLES CHAUNCY.

Our associate Mr. William P. Upham has called my attention to an instance of corporal punishment inflicted by a Fellow of the College on an undergraduate, as shown by various papers among the Suffolk Court files, of which the more important are numbered 35,210, 35,213, 35,215, 35,300, and 35,397 in their arrangement. It resulted in a suit brought by William Vassall (H. C. 1733) against "Daniel Rogers of Cambridge Gent & Fellow of Harvard Colledge in Cambridge." The assault took place on March 20, 1732-3, and was committed "in the Highway near the Market place so called, in Cambridge." According to the Laws and Orders, now shown, the whipping of the students was done "in the hall openly." At that time Mr. Rogers had only recently been appointed Tutor, which may have made him rather over-zealous in the discharge of his duties; and by virtue of his tutorship he was a Fellow of the College, but not of the Corporation. At the trial he was fined five shillings and costs, from which verdict he appealed. The case came up again at the July term of the Superior Court of Judicature in 1733, when the former judgment was reversed.

This case, evidently, was one of the last instances of corporal punishment inflicted on a Harvard student by a college officer. President Holyoke, a graduate of the Class of 1746, is recorded as saying that in his day the practice was going out of use. About the year 1755 the law became so distasteful to the better feelings of the college authorities and to public sentiment that it was no longer enforced; and thus passed out of sight a relic of barbarism which had come to the New World as an inheritance from English Universities. Without doubt, the practice in the mother country was a survival of that severe discipline which prevailed in monastic institutions throughout Europe during the Middle Ages. At the present time it is hard to realize the condition of things which would tolerate under any circumstances such a custom with all its grim accompaniments. Judge Sewall, in his Diary, under date of June 15, 1674, describes the flogging of a student in the Library before the other students, which was preceded and followed by a prayer offered up by President Hoar. The lashes were laid on by William Healy, the prison keeper, whose services for the task were called into requisition. Only a few years later Healy was removed from his office for gross miscon-

duct, when he himself was "sentenced to be severely whipped 20 stripes." Such is the irony of fate !

The earliest Laws and Orders that governed the administration of the College were written in Latin, and are found in Mather's *Magnalia* (Book IV. pages 132-134). The code was formed by President Dunster, and, as might have been expected, in some respects was similar to the laws that governed English Universities ; and for many years it was the basis of all rules and regulations affecting the College.

Among the papers connected with the case of assault by Tutor Rogers, just cited, is a copy of an article from the Latin Laws, duly attested by the President of the College, as well as a translation of the same. This article is identical with the corresponding one printed in the *Magnalia*, showing that the Dunster code, either wholly or in part, was still in force nearly a hundred years after the College was founded. In the arrangement of the Court files, the Latin Law is numbered 35,300, and with the translation is as follows : —

Transcribed out of the Latin Laws by which Scholars have of late years been admitted into Harvard College — N° 12

Nulli ex Scholaribus Senioribus solis tutoribus et Collegij Sociis exceptis recentem sive Juniorem ad Itinerandum aut ad aliud quodvis faciendum minis verberibus vel aliis modis Impellere licebit, et siquis non graduatus in hanc legem peccaveret Castigatione Corporali expulsionem, vel aliter prout presidi cum sociis visum fuerit punietur —

Vera Copia BENJAMIN WADSWORTH

Preses Collegii Harvardini

CAMBRIDGE

May 15th 1733

It shall be lawful for none of the senior scholars (the Tutors & Fellows of the College only excepted) to Compel a Freshman or Jun^r scholar to go of Errands or do any other service either by threats or blows or any other means and if any undergraduate shall offend against this Law he shall be punished Corporally or by Expulsion or by Expulsion [*sic*] or otherwise at the discretion of the president & fellows —

A true Copy Atts BENJ^A WADSWORTH

President of Harvard College —

CAMBRIDGE May {
15th 1733 }

A true Copy

Exam^d P SAM^L PHIPPS *Clerk*

A true Copy Exam^d P SAM^L PHIPPS *Clerk*

A true Copy Exam^d P SAM^L TYLEY *Clerk*

The above is in the same handwriting as the copy of the Gridley Plea (No. 272), which was also attested by Tyley.

There are two other papers in No. 35,300, being copies by Tyley of votes of Corporation, July 10, 1732, and Overseers, September 12, 1732, making Mr. Daniel Rogers a Tutor.

The third paper (the vote of the Overseers) is dated Harvard College, May 15, 1733, and is attested by "Henry Flynt Cler Curator."

I wish also to exhibit a volume written by Benjamin Woodbridge, who is sometimes called the first graduate of Harvard College, as in the General Catalogue his name stands at the head of the earliest class. In old times the names were arranged not alphabetically, but according to the social rank of the families to which the various students belonged. The title of the book is as follows:—

The | Method | of | Grace | in the | Justification | of | Sinners. |
 Being a Reply to a Book written by Mr. Wil- | liam Eyre of Salis-
 bury: | Entitled, | Vindiciæ Justificationis Gratuitæ, | Or the | Free
 Justification of a Sinner justified. | Wherein the Doctrine contained in
 the said Book, is proved | to be Subversive both of Law and Gospel,
 contrary to | the consent of Protestants. And inconsistent with it self.
 | And the ancient Apostolick Protestant Doctrine of | Justification by
 Faith asserted. | — | By Benjamin Woodbridge Minister of Newbery.
 | — | [Three lines from the Bible.] | — || London, Printed by T, R.
 and E. M. for Edmund Paxton in Pauls Chain, | right over against the
 Castle Tavern, near Doctors Commons. 1656.

This is said to be the second work in point of time written by a Harvard graduate, the other being a sermon on the Gunpowder Plot, intitled "The Saints Security, against Seducing Spirits," etc. (London, 1652), by William Ames, a graduate of the Class of 1645. At the end of the volume is "A Catalogue of some books printed for, and sould by *Edmund Paxton*, over against the Castle Taverne, neere to the Doctors Commons." In the list are several titles by New England ministers, among whom appear the names of James Noyes, Thomas Parker, and John Norton.

While I am on my feet, Mr. President, for the amusement of the members I will read an extract from a despatch dated at Madrid, February 6, 1878, and sent to the State Depart-

ment in Washington by the Honorable James Russell Lowell, at that time United States Minister Plenipotentiary to Spain. It has no connection with the paper, just communicated, any further than that Mr. Lowell was a professor at Harvard for more than a generation, and always was a loyal son of the College. During a period of twenty-eight years he was a distinguished member of this Society, and whatever he said at the meetings was sure to attract attention. It is generally supposed that State papers are dry and heavy, but the following extract from one of his communications to the State Department shows that they may be otherwise, when an official personage is disposed to unbend his formal stiffness, and when the wit of the man is greater than the dignity of the diplomat:—

One of the devices of Fourcarde which came within Mr. Silvela's knowledge when in another Department of the Government, is so ingenious and amusing as to be worth recounting.

The Frenchman's object was to smuggle petroleum into Madrid without paying the *octroi*. To this end he established his storehouses in the suburbs, and then hiring all the leanest and least mammalian women that could be found, he made good all their physical defects with tin cases filled with petroleum, thus giving them what Dr. Johnson would have called the pectoral proportions of Juno. Doubtless he blasphemed the unwise parsimony of Nature in denying to women in general the multitudinous breasts displayed by certain Hindu idols. For some time these milky mothers passed without question into the unsuspecting city and supplied thousands of households with that cheap enlightenment which cynics say is worse than none. Meanwhile, Mr. Fourcarde's pockets swelled in exact proportion to the Quaker breastworks of the improvised wet-nurses. Could he only have been moderate! Could he only have bethought him in time of the *ne quid nimis*. But on a fatal day he sent in a damsel whose contours aroused in one of the guardians at the gates the same emotions as those of Maritornes in the bosom of the carrier. With the playful gallantry of a superior he tapped the object of his admiration and—it tinkled. He had “struck oil” un-awares. Love shook his wings and fled; Duty entered frowning; and M. Fourcarde's perambulating wells suddenly went dry.

With a gentleman so ingenious the Spanish Government is perhaps justified in being on its guard. Even charity has its eyes and ears.

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